

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
AUGUST 13, 2003
7:30 P.M.**

TOWN BOARD MEMBERS PRESENT:

GLENN R. NELLIS	-	SUPERVISOR
MARY LOU PEW	-	COUNCILWOMAN (<i>Absent</i>)
GEORGE F. ZITTEL	-	COUNCILMAN
VINCENT V. VACCO	-	COUNCILMAN
TIMOTHY J. WALKER	-	COUNCILMAN

DEPARTMENT HEADS PRESENT:

Andrew C. Reilly of Wendel	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways
Patrick M. Howard	-	Chief of Police
Paul Shephard	-	Eden Emergency Squad
Paul Laing, Jr.	-	Eden Fire Chief
Kevin R. Schoenthal	-	East Eden Fire Chief
Susan Brass	-	Recreation Director (<i>Absent</i>)
Mary Bailey	-	Chairman Board of Assessors (<i>Absent</i>)
Scott T. Henry	-	Zoning Code Enforcement Officer (<i>Absent</i>)

OTHERS PRESENT:

William Trask	-	Town Attorney
Mary Jo Hultquist	-	Town Clerk

Call to Order:

Supervisor Nellis called the Regular Meeting of the Eden Town Board to order at 7:40 P.M.

Pledge of Allegiance:

Supervisor Nellis led the assembly in the Pledge of Allegiance to the flag followed by a moment of silence.

Approval of Minutes:

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of July 9, 2003; Correction – add William Laing to the Revolving Loan Fund, Loan Committee.

MOTION was made by Councilman Walker to approve the Town Board Minutes of July 9, 2003 with above-mentioned correction; seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of July 23, 2003; there were none.

MOTION was made by Councilman Walker to approve the Town Board Minutes of July 23, 2003 as presented; seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none.

Budget Transfers:

Supervisor Nellis read the following “Budget Transfers” from Account A1990.4 to A3620.4 for transfer from contingency for repairs to Building Inspector’s vehicle in the amount of \$400.00, from Account A1990.4 to A1940.2 for Right-of-way in the amount of \$1000.00 and from Account A1990.4 to A3010.4 for Disaster Preparedness seminar in the amount of \$446.64.

MOTION was made by Councilman Walker to approve the “Budget Transfers”; seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Budget Amendments:

Supervisor Nellis read the following “Budget Amendments” from Account A2001 to A7140.4 for Recreation fees collected for Darien Lake fieldtrip in the amount of \$604.00, from Account H4089 to H8320.4 for Federal grant money received for water project in the amount of \$209,245.38, from Account A599 to A7110.2 for Additional closing costs for Berner property closing in the amount of \$1,120.89 and from Account A2115 to A3620.4 for Refund of minor subdivision fee for Mr. Walter in the amount of \$150.00.

MOTION was made by Councilman Walker to approve the “Budget Amendments”; seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Audit Bills:

Supervisor Nellis asked if there were any questions on the “Audit of Bills” which are on file in the Town Clerk’s office. Supervisor Nellis added to the Capital Fund in the amount of \$1,084.80 from the Building Fund to the General Fund to close out the reserve account, Number 223 to the Highway Fund in the amount of \$500.00 for extension of 8” Watermain on Roswell Pkwy and Number 11 to the Water Fund in the amount of \$420.00 for extension of 8” Watermain on Roswell Pkwy.

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	407-478	\$36,508.74
Highway Dept. Fund	190-223	\$87,367.91
Fire Dept. Fund	150-173	\$10,304.45
Recreation Dept. Fund	103-136	\$73,612.63
Refuse and Garbage Fund	10-12	\$65,863.92
Street Lights Fund	16-18	\$4,104.93
Water Fund	10-11	\$4,439.02
Trust & Agency Fund	--	
Capital Fund	31-37	\$256,709.16
Community Development	--	

MOTION was made by Councilman Walker to approve the Audit of Bills with the above-mentioned additions; seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Departmental Reports:

Department reports for the month of July, 2003 were presented to the Town Board in their meeting packets for Paul Shephard, Eden Emergency Squad; Paul Laing, Eden Fire Chief; Kevin Schoenthal, East Eden Fire Chief; Patrick Howard, Eden Police Chief; Ronald Maggs, Superintendent of Highways; Andrew Reilly, Town Engineer; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Scott Henry, Zoning Code Enforcement Officer; Susan Brass, Recreation Director; Mary Bailey, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Paul Laing, Eden Fire Chief requested the addition of Laura Bard to the active roster as a new firefighter to the Eden Fire Department No. 1. The physical examination and arson check has been completed.

MOTION was made by Councilman Zittel to add the name of Laura Bard to the active roster as a new firefighter to the Eden Fire Department No. 1; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Paul Laing, Eden Fire Chief requested the addition of Kevin Kernitz to the active roster as a new firefighter to the Eden Fire Department No.1 pending physical examination and arson check.

MOTION was made by Councilman Zittel to add the name of Kevin Kernitz to the active roster as a new firefighter to the Eden Fire Department No. 1 pending physical examination and arson check; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Paul Laing, Eden Fire Chief requested permission of the Eden Town Board to accept a grant received from New York State Department of Environmental Conservation in the amount of \$1,000.00, which requires matching funds. This grant will be used to purchase approximately \$2,000.00 of forestry firefighting hose for both pumper trucks.

MOTION was made by Councilman Zittel to accept the grant in the amount of \$1,000.00 based on availability of matching funds; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Paul Laing, Eden Fire Chief publicly thanked County Legislator Jeanne Chase for providing funds to the Eden Fire Department to purchase a mobile radio system for \$2,000.00 and needed firefighting tools for \$3,000.00 for Truck No. 7, fire rescue truck.

Councilman Zittel reported for Kevin Schoenthal, East Eden Fire Chief to remove the name of Harold Haier, Jr. from the active roster.

MOTION was made by Councilman Zittel to remove the name of Harold Haier, Jr. from the active roster; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**** Note:** 8:00 P.M. – Public Hearing – Request from John Bialek to construct a pond at 2396 Bauer Road. At the regularly scheduled meeting of the Eden Planning Board of August 8, 2003, it was determined by the Planning Board that a Public Hearing would not be necessary in accordance with Local Law #4-2001, stating that (e) “*No pond shall be constructed without site plan approval by the Eden Planning Board*”. The Planning Board accepted and approved Mr. Bialek’s site plan for construction of a pond located at 2396 Bauer Road, Eden, NY. Mr. Bialek was then referred to Mr. Henry, Building Inspector, to obtain a building permit to proceed.

New and Unfinished Business:

1.) Approval of Drainage Projects

Supervisor Nellis received correspondence from Ron Maggs, Off Road Drainage Committee Chairperson regarding drainage projects with costs not to exceed a total of \$11,000.00. They are as follows:

1. The area from Schreiner Road toward March Road (clean drainage ditch to stop flooding of Schreiner Road Sewer Pumping Station).
2. Hickox Road (clean about 2500’ of drainage ditch on Raro’s property).

3. Laing/Lavel (Drains Rt. 62 to Railroad Tracks – from Railroad up towards Smith Hardware).

The Committee will secure easements needed and get at least two prices on each Project. The Drainage Committee identified 10-20 areas in the Town of Eden and prioritized to the above-mentioned.

MOTION was made by Supervisor Nellis to approve the drainage projects as recommended by Ron Maggs, Off Road Drainage Committee Chairperson not to exceed a total of \$11,000.00; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

2.) Hosting of the August 28th meeting of the Association of Erie County Governments

Supervisor Nellis stated he will be hosting the meeting of the Association of Erie County Governments on August 28, 2003 at the American Legion, 2912 Legion Drive, Eden, New York with invited guest speakers Anthony M. Masiello, Mayor of the City of Buffalo, Richard Tobe, Control Board/Community Foundation of WNY and Tricia Dosenger of United Way of WNY. All Town Board members were invited to attend. Fresh “Eden” produce will be distributed.

3.) Sewer Extension for Route 62

Andrew Reilly, Town Engineer stated that the sewer extension on Route 62 to Shurfine grocery store may have some creative ways to approach the problem. An example would be for the Town of Eden to pay for pipe and the homeowner to pay for the pump. Mr. Reilly and the Town Board will have discussions on future sewer projects and he will speak with the County of Erie as projects have been done in other counties, such as Niagara County.

At this time Mr. Reilly is looking for authorization to proceed with the project.

MOTION was made by Councilman Zittel to authorize Andrew Reilly, Town Engineer to proceed with the sewer extension for Route 62 project; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

4.) Berner Property Purchase – Access to Swartz Field

Attorney Trask stated that the closing of the property, access to Swartz Field took place on Wednesday, August 6, 2003. Mr. Ronald Walczyk, the new owner of the Berner home stated he would like to have the Town deed the additional frontage to him if it turns out that the Town does not need it for the new entranceway to the recreational field.

5.) Approval of reappointments to Drainage Committee and Agricultural Advisory Board

Supervisor Nellis received correspondence from David Zittel, Chairman, Agricultural Advisory Committee to reappoint William Henry and Paul Laing, Jr. to the Agricultural Advisory Committee for the term 1/1/03 through 12/31/04.

MOTION was made by Councilman Walker to reappoint William Henry and Paul Laing, Jr. to the Agricultural Advisory Committee for the term 1/1/03 through 12/31/04; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis received recommendation for the Eden Drainage Committee to appoint Ronald Maggs Chairman of the Drainage Committee for the term ending 12/31/03. **MOTION** was made by Councilman Vacco to appoint Ronald Maggs Chairman of the Drainage Committee; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

6.) Notice of Renewal of Liquor License for Eden Bowling Center and Eden-North Collins Gun Club

Supervisor Nellis stated that the renewals for Liquor Licenses had been received and that it was informational only.

No comments from Town Board members or citizens in attendance were received.

7.) Recommendations from Town Planning Board – Telecommunications Tower located in the Town of Evans

Supervisor Nellis received correspondence from Mark Agle, Chairman of the Eden Planning Board regarding a site plan and other materials forwarded to them by the Town of Evans concerning a proposed Telecommunications Tower to be located at 1983 Eden-Evans Center Road. The Town of Eden has a temporary moratorium imposed upon the issuing of any permits for such towers within the Town of Eden. However, since this tower, as proposed, is to be located wholly within the Town of Evans, it is the opinion of this Board that the Town of Evans should proceed with whatever action they deem appropriate relative to the application before them. The Eden Planning Board would only suggest that Evens consider in their evaluations, the view shed of this tower from the Town of Eden vantage point and try to have the applicant “soften” the visual impact to the extent practicably under their Town Code. The Eden Planning Board will support Evans in whatever actions they take in regard to this proposed tower.

MOTION was made by Councilman Walker to accept the recommendation of the Planning Board for the Town of Evans to proceed with whatever action they deem appropriate relative to the application for a Telecommunications Tower to be located at 1983 Eden-Evans Center Road in the Town of Evans and that the Town of Evans notify the residents within 500 feet, which

would include residents in the Town of Eden; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

8.) Resolution – Fee Increase- Marriage License

Supervisor Nellis read the following resolution:

**AUTHORIZATION TO INCREASE FEES
MARRIAGE LICENSES**

WHEREAS, as a result of New York State Legislation, Town Clerks may charge ten dollars (\$10.00) for each certification of marriage registration, certified copy, or certified transcript of marriage, which represents an increase of five dollars (\$5.00); and

WHEREAS, said increase must be authorized by the Town Board; and

WHEREAS, the fee charged by the New York State Department of Health for issuing copies of birth, death and marriage will increase from fifteen dollars (\$15.00) to thirty dollars (\$30.00);

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Eden does hereby authorize the Town Clerk's office to increase the charge from five dollars (\$5.00) to ten dollars (\$10.00) for each certification of marriage registration, certified copy, or certified transcript of marriage; and

BE IT FURTHER RESOLVED that given said increase, the fee for a Marriage License in the Town of Eden is now \$40.00; and

BE IT FURTHER RESOLVED, that said increase should become effective August 1, 2003.

MOTION was made by Councilman Zittel to approve the resolution authorizing the increase fee for Marriage Licenses from \$20.00 to \$40.00 with a retroactive effective date of August 1, 2003; seconded by Councilman Walker; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis stated a payment in the amount of \$95,000.00 to Fisher Tank for Water District No. 4 for the time period of 7/3/2003 – 7/29/2003 was due and that the project is 80% complete at this time.

MOTION was made by Councilman Walker to make a payment of \$95,000.00 to Fisher Tank for Water District No. 4; seconded by Councilman Zittel; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis stated regarding the fire loss on Paxon Road, the Insurance Company had applied for \$1,300.00 and was reimbursed an amount of \$500.00. Attorney Trask advised

the Town Board to accept the \$500.00 to compensate the Fire Department for damage to their equipment and rental costs.

MOTION was made by Councilman Zittel to accept the payment of \$500.00 to compensate the Fire Department; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

At this time in the Town Board Meeting, Supervisor Nellis recognized Mr. Leon Gawlick, 8350 Weller Drive. Mr. Gawlick stated that he would like to discuss the drainage ditch problems in the Weller subdivision. Andrew Reilly, Town Engineer and Mr. Gawlick discussed the scope of the situation, determining the area that is affected – Jennings Road – Merrill, Merrill – Merrill, or Merrill to Schoolview. Attorney Trask stated that there are two ways to address the situation, private or public.

Much discussion ensued and it was decided that Mr. Gawlick approach the residents in that area and determine the number of residents interested in continuing the discussions with the Town Board, not to make a commitment, but just a green light to go ahead and research the project. Grant funds may be available to support the project.

Supervisor’s Report:

- Supervisor Nellis stated that he is working with Ron Maggs, Highway Superintendent and the State Department of Transportation to have signs placed on Sisson Highway to identify that road as “Sisson Highway” and not just Route 75.
- Supervisor Nellis stated that the Building Inspector completed an inspection of the abandoned property on New Jerusalem Road which has several violations and that the owner has been notified and will move forward to correct them.
- Supervisor Nellis stated that the “Unsafe Structures” on the Ricey property on Shadagee Road have been brought down and the silo will be removed in October.
- Supervisor Nellis stated that the speed limit situation in the Town of Eden, specifically North Boston Road is being researched. Andrew Reilly, Town Engineer suggested that Mr. Nellis or Mr. Maggs, Highway Superintendent, get advice from the Town of Hamburg Traffic Safety Board.

Hearing of Visitors:

James McDonald, 3236 Weller Drive

Supervisor Nellis stated that the “Work Session Meeting” that would normally be held as the second Town Board Meeting of the month would be cancelled as is customary in the summer

and the next scheduled Town Board Meeting will be held on September 10, 2003 at 7:30 in the
Eden Town Hall.

MOTION was made by Councilman Zittel to not schedule a “Work Session Meeting” for
August 27, 2003; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? –
None; Motion carried.

Adjournment:

MOTION was made by Councilman Zittel to adjourn the Regular Meeting of the Eden Town
Board; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None;
Motion carried.

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 9:25 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk